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**NOTICE OF ALLOWANCE AND ISSUE FEE DUE**

18M1/1029

BURNS, DOANE, SWECKER & MATHIS  
699 PRINCE STREET  
ALEXANDRIA VA 22314

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/475,847	06/07/95	008	GAMBEL, P	1806 10/29/97
First Named Applicant NOELLE, RANDOLPH J.				

TITLE OF INVENTION  
39 ANTIBODIES AND USES THEREFOR

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
DCI-078CP3	424-154.100	T66	UTILITY	NO	\$1320.00	01/29/98

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

- I. Review the SMALL ENTITY status shown above:  
If the SMALL ENTITY is shown as yes, verify your current SMALL ENTITY status:
  - A. If the status is changed, pay twice the amount of the FEE DUE shown and notify the Patent and Trademark Office of the change in status, or
  - B. If the status is the same, pay the FEE DUE shown above.
- If the SMALL ENTITY is shown as NO:
  - A. Pay FEE DUE shown above, or
  - B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.
- II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "6b" of Part B should be completed.
- III. All communications regarding this application must give application number and batch number. Please direct all communication prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Patents Issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**



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Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

08/475,847

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/475,847 06/07/95 NOELLE

R DCI-078CP3

18M1/1029

BURNS, DOANE, SWECKER & MATHIS  
699 PRINCE STREET  
ALEXANDRIA VA 22314

EXAMINER

GAMBEL, P

ART UNIT

PAPER NUMBER

1806

DATE MAILED: 10/29/97

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to Paper nos. 10/11

☒ The allowed claim(s) is/are 30, 23-24 LAW MARKS 1, 2, 3, 7, 8, 4, 5, 6

☒ The drawings filed on 6/7/95 are acceptable.

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_

☐ including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

Serial No. 08/475847  
Art Unit 1806

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### DETAILED ACTION

1. Applicant's amendment, filed 7/17/97 (Paper No. 10) is acknowledged.  
Claims 1-21 have been canceled.  
Claims 22-29 have been added.

### EXAMINER'S AMENDMENT

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

3. Authorization for this Examiner's Amendment was given in a telephone interview with Robin Teskin on 10/23/97.

4. Cancel claim 22.

5. Add claim 30 as follows.

131 -- Claim 30: An anti-human gp39 (CD40L) monoclonal antibody that binds the epitope recognized by a monoclonal antibody selected from the group consisting of 24-31 secreted by hybridoma 24-31 designated by ATCC Accession No. HB1712 and 89-76 secreted by hybridoma 89-76 designated by ATCC Accession No. HB1713. --

6. Amend claim 23 by adding after "89-76":

132 -- secreted by hybridoma 89-76 designated by ATCC Accession No. HB1713 -- .

7. Amend claim 23 by replacing "22" with -- 30 --.

8. Amend claim 24 by adding after "24-31":

133 -- secreted by hybridoma 24-31 designated by ATCC Accession No. HB1712 -- .

9. Amend claim 24 by replacing "22" with -- 30 --.

10. Amend claim 27 by adding after "anti-human":  
-- gp39 -- .

11. Amend claim 27 by replacing "22" with -- 30 --.

12. Amend claim 28 by adding after "89-76":

134 -- secreted by hybridoma 89-76 designated by ATCC Accession No. HB1713 -- .

13. Amend claim 29 by adding after "24-31":

-- secreted by hybridoma 24-31 designated by ATCC Accession No. HB1712 -- .

14. Amend the title by deleting "AND USES THEREOF".

### REASONS FOR ALLOWANCE

15. The following is an Examiner's Statement of Reasons for Allowance:

Upon consideration of applicant's amendment, filed 7/17/97 (Paper No. 10), the previous rejections under 35 USC § 112, first and second paragraph, and 35 USC § 103 are withdrawn. Due to high polymorphism of antibodies, the instant 24-31 and 89-76 anti-gp39 (CD40L) antibodies are deemed structurally distinct on the primary amino acid basis and bind distinct epitopes on gp39 (CD40L). Therefore the instant antibodies and hybridomas are deemed allowable

### OTHER ISSUES

16. Acknowledgment is made of applicant's claim for foreign priority based on PCT/US94/09953 and PCT/US94/09871. It is noted that applicant has not filed a certified copy of these documents as required by 35 USC 119(b).

However, it is noted that this claim for foreign priority is rendered moot in view of USSNs 08/232,929 and 08/116,225.

Applicant should provide a new oath or declaration deleting the claim for foreign priority or should provide the appropriate documents.

17. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (703) 308-3997. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lila Feisee can be reached on (703) 308-2731. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1800 receptionist whose telephone number is (703) 308-0196.


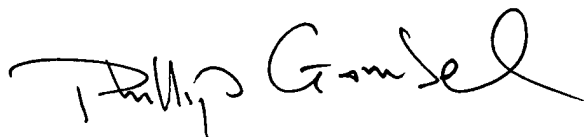
44

Papers related to this application may be submitted to Group 1800 by facsimile transmission. Papers should be faxed to Group 1800 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-3014 or (703) 308-4242.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [lila.feisee@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Phillip Gambel, Ph.D.  
Patent Examiner  
Group 1800  
October 24, 1997



Lila Feisee  
Supervisory Patent Examiner  
Group 1800